

## **CONDITIONS OF APPROVAL – June 2, 2014**

**112 N. Santa Cruz Avenue**  
**Conditional Use Permit U-14-004**

**Requesting approval to operate a formula retail business (We Olive) with a winebar on property zoned C-2. APN 529-03-040.**

**PROPERTY OWNER: Los Gatos Commercial LLC**

**APPLICANT: Jos Peijnenburg, Olivinum**

**TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:**

### *Planning Division*

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below. Any changes or modifications shall be approved by the Director of Community Development, the Development Review Committee, the Planning Commission, or the Town Council depending on the scope of the changes.
2. **EXPIRATION OF APPROVAL:** The Conditional Use Permit application will expire two years from the date of approval unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year the approval lapses.
4. **USE:** The approved use is for a formula retail business selling olive oils, vinegars, and packaged food accompaniments. The use also includes a winebar with wine tastings and on and offsite wine and beer sales. On or offsite sales of hard liquor are not permitted.
5. **ALCOHOL SERVICE:** The service of beer and wine (including wine tastings) is permitted only when food service is available. Food service, for the purposes of this condition, is defined as a combination of items selected from a menu.
6. **SEATING:** No more than 21 seats are permitted (inclusive of indoor and outdoor courtyard seating). No seats shall be placed at the olive oil display counter.
7. **OLIVE OIL DISPLAY COUNTER:** No food service shall occur at the display counter, limited tasting of olive oils is permitted. No seating shall be placed at this counter.
8. **HOURS OF OPERATION (RETAIL):** Maximum hours of operation for non-alcoholic retail sales are Monday through Friday, 9:00 a.m. to 9:00 p.m.; Saturday, 10:00 a.m. to 9:00 p.m.; and Sundays, 11:00 a.m. to 7:00 p.m.
9. **HOURS OF OPERATION (WINEBAR):** Maximum hours of operation for the winebar and on or offsite sales of beer and or wine are Monday through Saturday, 12:00 p.m. to 9:00 p.m.; and Sundays, 12:00 p.m. to 7:00 p.m.
10. **CLASSES/SPECIAL EVENTS:** No more than two events/classes may be provided per month. No more than 20 attendees shall be permitted at these events/classes. The events/classes shall be held during the approved operating hours but the retail and winebar are to be closed during scheduled events.
11. **LIVE ENTERTAINMENT:** No live entertainment or amplified music is allowed.
12. **ALCOHOLIC BEVERAGE POLICY:** The applicant shall be subject to comply with any new requirements in the Town's Alcoholic Beverage Policy within six (6) months from the date of the change in policy.
13. **TRASH AND RECYCLING DISPOSAL HOURS:** Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m. to limit the noise impacts.

14. **SIGN PERMIT:** A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
15. **CERTIFICATE OF USE AND OCCUPANCY:** A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.
16. **BUSINESS LICENSE:** A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new or change of use.
17. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

#### *Building Division*

18. **PERMITS REQUIRED:** A Building Permit shall be required for the any alterations to the existing commercial building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
19. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
20. **SIZE OF PLANS:** Four sets of construction plans, maximum size 24" x 36".
21. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** For any proposed tenant improvements, on-site parking and general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but not be limited to, accessibility to building entrances from parking facilities and sidewalks. The building shall be upgraded to comply to the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design Architect and then confirmed by Town staff.
22. **APPROVALS REQUIRED:** The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: Marni Moseley (408) 354-6802
  - b. Santa Clara County Fire Department: (408) 378-4010
  - c. County Environmental Health Department: (408) 885-4200

#### **TO THE SATISFACTION OF THE CHIEF OF POLICE:**

23. **UNIFORMED SECURITY:** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
24. **CONSULTATION AND TRAINING:** At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
25. **TRAINING MANUAL:** The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
26. **DESIGNATED DRIVER PROGRAM:** The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.

27. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.

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